

DECLARATION OF TRACY L. RENAUD

I, Tracy L. Renaud, hereby make the following declaration with respect to the above-captioned matters:

1. I am the Acting Deputy Director of U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security. As the Acting Deputy Director of USCIS, I am responsible for assisting the USCIS Director in overseeing approximately 20,000 federal employees and contractors, who handle approximately 26,000 immigration benefit applications, petitions, and other requests on an average day.

2. From January 21, 2021 until August 3, 2021, I served as the Acting Director of USCIS. Prior to January 21, 2021, I served as the Associate Director of the Service Center Operations Directorate. I have also held prior roles as the Acting Deputy Director and Associate Director of the Management Directorate within USCIS, among other roles in the more than 39 years that I have worked for USCIS and legacy INS.

3. I make the following declaration based on my personal knowledge and on information made available to me in the performance of my official duties as Acting Deputy Director of USCIS.

4. On July 16, 2021, following the Court's injunction requiring DHS to cease approving any new DACA "applications" received by DHS and cease granting DACA to any new "applicants" not granted on or before the date of the order, but permitting DHS to continue accepting such initial DACA requests, USCIS sent guidance to DACA adjudicators to cease granting initial DACA requests and related work authorization requests, as well as to cease scheduling biometrics appointments for initial DACA requestors.

5. In the filing on July 27, 2021, USCIS explained that, on July 16, 2021, USCIS cancelled 9,800 pending DACA-based biometrics appointments, and halted the scheduling of any DACA requests for biometrics appointments at the Application Support Centers (ASC) so that no new appointments for initial DACA requestors were scheduled. ECF No. 578 at ¶ 10, 12.

USCIS also explained that approximately 52 initial DACA requestors appeared for previously scheduled biometrics appointments, and biometrics were collected. *Id.* at ¶ 13.

6. Since that filing, USCIS Immigration Records and Identity Services (IRIS) conducted additional data queries and identified a total of 610 initial DACA requestors who had their biometrics collected after July 16, 2021. Of this number, more than 600 were initial DACA requestors who appeared for appointments that had been scheduled prior to the injunction, despite agency efforts to notify initial requestors not to show up for their appointments and to inform ASC personnel not to process this population.

7. None of the initial DACA requestors whose biometrics were collected after July 16, 2021 have been approved. Initial DACA requestors whose biometrics were collected after July 16, 2021 continue to be on adjudicative hold. USCIS will continue to hold initial DACA requests filed after July 16, 2021 in which biometrics were taken without adjudication or issuance of a final approval or denial.

8. In the filing on July 27, 2021, USCIS identified nine cases that were erroneously approved, but that were subsequently reopened and are now pending adjudication. Since the filing on July 27, 2021, USCIS conducted a review and identified two additional cases that should have been determined to be initial DACA filings and held, but were not, and were erroneously approved. In one instance, an initial filing submitted by an individual whose previous grant of DACA expired more than one year before filing was mistakenly converted to a renewal filing. In the second instance, an individual whose previous grant of DACA was terminated but filed as a renewal was not converted to an initial filing. Upon identifying the two cases, USCIS has reopened the filings so that they now remain pending in USCIS systems. USCIS has notified the two requestors of the error and that the approvals were void at the time they were issued.

9. USCIS currently conducts systems checks on renewal DACA requests to check for requests submitted more than one year after the previous DACA grant expired, and for requests without a prior grant of DACA, or where a prior grant of DACA was terminated. A

filing with any of these conditions is flagged and requires review by a USCIS officer before it can proceed through adjudication in order to identify filings that should be initial DACA filings under longstanding USCIS policy and that are barred from approval by the court's injunction.

10. USCIS's Office of Information Technology (OIT) regularly completes a systems check for approved DACA initial filings to rapidly identify any errors.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of September of 2021.

TRACY L RENAUD Digitally signed by TRACY L RENAUD
Date: 2021.09.21 21:15:11 -04'00'

Tracy L. Renaud
Acting Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security